IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

Crl.Rev.Pet.No. 1836 of 2007-D

CRA.41/2006 of ADDL. SESSIONS COURT(ADHOC)III, PATHANAMTHITTA
ST.1109/2004 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II,PATHANAMTHITTA

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REVN. PETITIONER: APPELLANT/ACCUSED.

VIJAYAN, S/O. ACHUTHAN,
VIJAYA BHAVAN, VALANCHUZHI, MALLASSERI P.O.,
PATHANAMTHITTA.

BY ADV. SRI.V.SETHUNATH

RESPONDENTS: COMPLAINANT AND STATE.

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1. SADANANDAN.K., S/O. KESAVAN,
CHALUMKAROTE KIZHAKKETHIL, KULASEKHARAPATHI,
PATHANAMTHITTA.

2. THE STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR MR. C.M. KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 28/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J.

CRL.R.P.NO.1836 of 2007

DATED THIS THE 28th May 2007

ORDER

The revision petitioner stands convicted for the offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for one year and to pay a sum of Rs.8,25,000/- as compensation to the complainant under Section 357 (3)Cr.P.C. and in default to undergo simple imprisonment for six months.

2. On a consideration of the evidence adduced in the matter, I find that the findings of the courts below are supported by proper reasons. No defence evidence has been adduced by the accused to rebut the statutory presumptions. In the circumstances, I find no reason to interfere in the findings of the courts below.

3. Considering the plea of the counsel for the revision petitioner, the sentence is modified to imprisonment till the rising of the court and to pay a compensation of Rs.8,25,000/- to the complainant under Section 357(3)Cr.P.C.and in default to undergo simple imprisonment for six months. The revision petitioner is granted six months time to pay the amount of compensation. He shall appear before the Judicial Magistrate of First Class-II, Pathanamthitta on 28-11-2007 to receive

sentence. Non bailable warrant pending, if any, shall be kept in abeyance till then. The Crl.revision petition is disposed of accordingly.

K.R.UDAYABHANU, JUDGE

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